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VIA ECF

Hon. Cathy Seibel
 United States District Judge
 Southern District of New York
 300 Quarropas Street
 White Plains, NY 10601

Re: Civitano v. Pam Rob, Inc., et al.
 17 CV 10056 (CS)

Dear Judge Seibel:

I represent Defendants Pam Rob Inc. and Pamela Hochstin in the above referenced matter. On November 5, 2018 Your Honor issued an Order directing Plaintiff to turn over by 9:00 a.m. today all outstanding discovery, namely: 1) a proper, signed Rule 26 Disclosure; and 2) a signed and verified response to Defendants' First Set of Interrogatories. I am writing to the Court to advise that plaintiff's counsel has not complied and I have not received any communications from counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kim Berg".

KB:jk
 Enclosure

cc: Clifflith D. Bennette, Esq. (via ECF)

I received a fax from Mr. Bennette on 11/13/18 time-stamped 9:08 am. It does not say he served Ms. Berg. If he did not, he must do so right away. He must also file the letter on ECF right away, although he may redact paragraph 8 from the ECF copy. In the fax he indicates that he has rectified the problem with Plaintiff's Rule 26 disclosures and responses to interrogatories; describes two bouts of a medical problem, plus migraines, as his reason for not handling the matter timely; and argues that his neglect was excusable, there is no history of dilatory conduct; and Defendant was not prejudiced. To the contrary, Defendant had to twice write the Court; there is a history of dilatory conduct (from late September to the second week in November, it seems), and while the Court is sympathetic to Mr. Bennette's travails, they do not seem to be of the sort that completely eliminated his ability to work or to communicate with the Court to request more time. It seems like it has been one excuse after another. I will not impose sanctions now but any further derelictions will result, at a minimum, in Mr. Bennette paying Ms. Berg's fees for addressing the issue, and may involve additional sanctions. A solo lawyer must have systems in place to have his work covered when he is unavailable and at least must timely communicate with opposing counsel and the Court between bouts of illness.

*So Ordered.
 Cathy Seibel, U.S.D.J.
 11/19/18*